

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:15-cr-00037-MR-WCM

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) ORDER
)
SANTIAGO SANCHEZ,)
)
Defendant.)
)

THIS MATTER is before the Court on the Defendant's "Motion for Retroactive Application of the Sentencing Guidelines Pursuant to Amendment 821 – Part B" [Doc. 37].

The Defendant Santiago Sanchez was convicted of possessing multiple firearms in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A). A Presentence Report was prepared in advance of sentencing, which determined a total offense level of 37. [Doc. 31: PSR at ¶ 47]. The probation office further determined that the Defendant had one criminal history point, which established a criminal history category of I. [Id. at ¶¶ 52-53]. That criminal history category, when combined with a total offense level of 37, resulted in a guideline range of 210 to 262 months' imprisonment. [Id. at ¶ 72]. On April 21, 2016, the Court sentenced the

Defendant to a term of 210 months' imprisonment. [Doc. 35]. The Defendant did not appeal.

The Defendant, proceeding *pro se*, now moves for a reduction of his sentence pursuant to Part B of Amendment 821 to the United States Sentencing Guidelines. [Doc. 37].

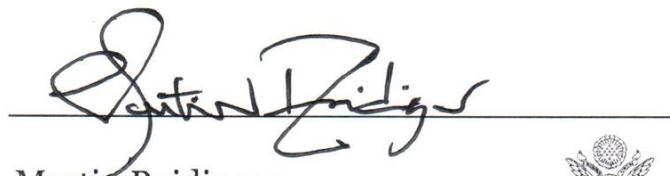
Part B of Amendment 821, effective November 1, 2023, amended the offense-level calculation for certain zero-point offenders. As revised, § 4C1.1 provides for "a decrease of two levels . . . for offenders who did not receive any criminal history points . . . and whose instant offense did not involve specified aggravating factors." U.S.S.C. Supp. to App'x, Am. 821 at 242; U.S.S.G. § 4C1.1 (2023). The Sentencing Commission has made Part B, Subpart 1, of Amendment 821 retroactively applicable, authorizing eligible defendants to seek a discretionary sentence reduction under § 3582(c)(2). U.S.S.G. Amend. 825; see U.S.S.G. § 1B1.10(d).

The Defendant, however, is not eligible for relief under Amendment 821. At the time of sentencing, the Defendant was assessed one criminal history point. As such, Part B of Amendment 821 affords him no relief. Accordingly, the Defendant's motion is denied.

IT IS, THEREFORE, ORDERED that the Defendant's "Motion for Retroactive Application of the Sentencing Guidelines Pursuant to Amendment 821 – Part B" [Doc. 37] is **DENIED**.

IT IS SO ORDERED.

Signed: April 1, 2024



Martin Reidinger
Chief United States District Judge

